THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2883 of 2006

DATED: 16-02-2006

Between:

Gajji Apparao, S/o. Appanna

And another …Petitioners

and

The Government of Andhra Pradesh

Rep.by its Secretary, Irrigation Department,

Hyderabad and two others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2883 of 2006

ORDER:

The petitioners filed this writ petition seeking to declare the notification dated 06-10-2005 in Ref.B1/366/2005, published in "Andhra Bhoomi" and "Prajasakthi" daily news papers, Rajahmundry Edition, on 08-10-2005 and 29-01-2006 respectively, issued by the 2nd respondent as illegal.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel appearing for the petitioners submits that the first petitioner and his family owns an extent of Ac.2.71 cents in Survey No.378/P, situated at

Tetagunta village, Tuni Mandalam, East Godavari District and the second petitioner owns an extent of Ac.2.63 cents in Survey No.393/P in the said village, and the said lands belong to the joint family property and each of the member of the joint family entitled to an extent of 0.90 cents. It is stated that on 06-10-2005 a notification was issued under Section 4(1) of the Land Acquisition Act, 1894(for short 'the Act') in Forum – 2A, dispensing with the enquiry under Section 7(A) in exercise of powers conferred under Section 17(4) of the Act. It is further stated that the said notification was questioned in W.P.No.21973 of 2005 and W.P.No.23099 of 2005, which were disposed of on 07-10-2005 and 28-10-2005 respectively setting aside the notification issued under Section 6 of the Act keeping it open for the respondents to conduct enquiry under Section 5-A of the Act and to take further steps duly considering the objections that may be raised by the petitioners.

Following the said judgment, the present writ petition is allowed, to the extent of setting aside the notification dated
23-01-2006 issued under Section 6 of the Act published in A.P. Gazette insofar as it relates to the lands of the petitioners. It is left open to the respondents 2 and 3 to conduct enquiry under Section 5-A of the Act and take further steps, duly considering the objections that may be raised by the petitioners. No order as to costs.

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V. ESWARAIAH, J.

Dated: 16-02-2006

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